

REMARKS

Claims 1–4 and 9–11 are currently pending in this application. In response to the Final Action, Applicants respectfully request entry of the claim amendments presented herein in view of the accompanying Request for Continued Examination, and further consideration of the present application in view of these amendments and the remarks provided below.

Support for Claim Amendments

The amendments presented above have been made to recite particular features of the inventions so as to expedite the prosecution of the present application to allowance in accordance with the USPTO Patent Business Goals (65 Fed. Reg. 54603, September 8, 2000). These amendments do not represent an acquiescence or agreement with any of the outstanding rejections.

Claims 1 and 9 are amended herein to more particularly point out what Applicants regard as the invention, and new claims 12–18 are added herein to claim particular embodiments of the invention. Applicants believe that the present amendments introduce no new matter beyond that which is disclosed in the application as originally filed. Support for this amendment can be found in the specification and particularly in the Examples described therein. The rejections of the pending claims are discussed herein below in the order that they are presented in the Final Action.

Claim Rejections - 35 U.S.C. § 102

Claim 1–4 and 9–11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent Application Publication No. EP0540932 A1 (hereinafter, the EP '932 Application). It is the contention of the Examiner that the EP '932 Application discloses each and every limitation of the invention as instantly claimed. Applicants amend claims 1 and 9 herein to point out that the sex pheromone dispenser of the present invention comprises three or more sex pheromone substances and add new claims 12 and 13, directed toward particular embodiments of claim 1, wherein the polymer chambers and polymer membrane are made of the

same material, and wherein the polymer chambers are made of the polymer membrane as set forth in FIG. 1(d).

The requirements for an anticipation under the statute are set forth in a previous response. The EP '932 Application discloses a sustained release dispenser comprising two chambers in FIGS. 1 and 2 and two sex pheromone substances, Z9/Z11:14OAc in Example 2. However, the EP '932 Application does not teach how to divide three or more sex pheromone substances between the first and second chambers of the sustained release dispenser of the present invention.

New claims 12–18 are directed toward a sustained release sex pheromone dispenser, wherein the polymer chambers and the polymer membrane of the chambers are made of the same material and a sustained release sex pheromone dispenser wherein the tubes are made of a pheromone-permeable polymer and thus the tubes function as first and second chambers as well as a polymer membrane. The EP '932 Application discloses a sustained release sex pheromone dispenser comprising first and second chambers of a pheromone-impermeable material and a pheromone-permeable material. However, the EP '932 Application is silent in regard to a sustained release sex pheromone dispenser wherein the chambers and membranes are made of the same material.

In view of the foregoing, Applicants present that the instant claims are not anticipated by the EP '932 Application, in that the EP '932 Application does not teach all the elements of the claimed invention, to which Applicants respectfully request that the instant rejection be withdrawn.

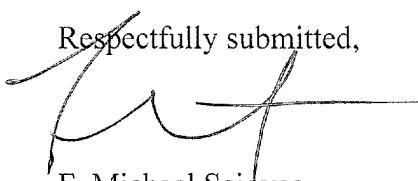
Attorney Docket No. 5576-158
Application Serial No.: 10/801,229
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CONCLUSION

Applicants believe that the points and concerns raised by the Examiner in the Action have been addressed in full, it is respectfully submitted that this application is in condition for allowance, which action is earnestly solicited. Should the Examiner have any remaining concerns, it is respectfully requested that the Examiner contact the undersigned Attorney at (919) 854-1400 to expedite the prosecution of this application to allowance.

A Request for Continued Examination (RCE) are included with this response. Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-0220 in the amount of \$810.00 for the RCE. Applicants believe this amount to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any refund to Deposit Account No. 50-0220.

Respectfully submitted,

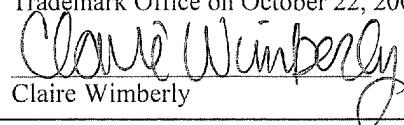


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CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on October 22, 2008.



Claire Wimberly

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